

Serial No. 09/458,321
Page 3 of 9

E3
concl.
respective navigator assets, each of said respective navigator assets having associated with it a respective STT capability level.

E4 3/4
21. (amended) The method of claim 17 wherein said navigation assets include video information, graphics information and control information, said navigation assets being provided by said information provider in response to requests from subscriber equipment.

REMARKS

This amendment is intended as a full and complete response to the non-final Office Action mailed June 7, 2002. In this Office Action, the Examiner notes that claims 10-13, 15-18, and 20-29 are pending, of which claims 10-13, 15-18 and 20-29 stand rejected. By this amendment, claims 10, 15, 17, and 21 are amended and claims 11-13, 16, 18, 20, and 22-29 continue unamended.

In response to the Examiner's request to clarify the status of claims 15, 16, 21 and 22, claim 15 has been amended to depend from independent claim 10, claim 16 continues unamended and dependent from claim 15, claim 21 has been amended to depend from independent claim 17, and claim 22 continues unamended and depends from claim 21. Further, the applicants affirm that claims 14 and 19 were canceled in the previous Office Action response.

In view of both the amendments presented above and the following discussion, the applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, the applicants believe that all these claims are now in allowable form. It is to be understood that the applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to applicants' subject matter recited in the pending claims. Further, applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant responsive amendment.

Rejections

35 U.S.C. §102(1)

Claims 10-13, 15-18 and 20-29

The Examiner has rejected claims 10-13, 15-18 and 20-29 under 35 U.S.C. §102 as being anticipated by Shaw et al. (U.S. Patent No. 6,104,392,

Serial No. 09/458,321
Page 4 of 9

issued August 15, 2000, hereinafter "Shaw"). The applicants respectfully traverse the rejection.

The applicants have amended claim 10 to include additional features that the applicants consider inventive. In particular, claim 10, as amended, recites:

"A method of adapting asset delivery within a heterogeneous video-on-demand distribution system having service provider equipment and at least one set top terminal, comprising the steps of:
determining at the service provider equipment, for each set top terminal (STT) requesting a session for video content in the video-on-demand distribution system, a capability level of said STT and a capability level of the distribution network;
selecting, from a plurality of available video content and navigational assets stored on service provider equipment, video content and navigational assets appropriate to said capability level of said STT; and
providing said selected video content and navigational assets in response to STT communications indicative of a need for said video content and assets, wherein said navigational assets comprise video information, graphics information, and control information."

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)(citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added). The Shaw reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

In particular, Shaw discloses

"In a client-server architecture, an Adaptive Internet Protocol (AIP) system, comprised of a display engine operating on a server and a protocol engine operating on a server, provides means to support standard graphics based computer applications connected to clients of varying capability via a network of varying bandwidth and latency by automatically varying the type and number of graphic requests and their networking encoding to provide near optimum performance while maintaining the correct visual representation."
(See Shaw, Abstract)

Serial No. 09/458,321
Page 5 of 9

However, the Shaw reference fails to teach or suggest "determining at the service provider equipment for each set top terminal requesting a session for video content in the video-on-demand system, a capability level of said STT and a capability level of the distribution network." Specifically, the session controller includes a capability database that is used to store information defining a graphic and, optionally, control capability of each type of subscriber equipment utilized within the interactive distribution system. This database may be defined in terms of the manufacturer or model number of the STT, the chip set used in the STT or other information suitable for defining such capability. All that is necessary is that the session controller is able to determine the graphics and, optionally, control or bandwidth capability of the distribution network, a set top terminal or other subscriber equipment requesting content and/or asset information. (See specification, page 6, lines 15-24).

The Shaw reference is completely different from the applicants' invention. In particular, upon a request from subscriber equipment display engines are downloaded on demand by the client device. Each display engine (JAVA applets) performs an initialization routine with the client device to determine supportive display operations and display performance factors. Preferably, each display engine contains a table of display operations that are expected to be supported by the client device in its operating environment. The display engine performs a test of the client device to determine which of the display operations in the table can actually be performed on the client device and modifies the table to indicate which operations are supported on the client device. The modified table is stored and the display engine is also sent to the UAP service for further use. (See Shaw, column 8, lines 24-25 and column 9, lines 56-67).

Accordingly, the applicants determine the capability level of the set top terminals at the service provider equipment, as opposed to the Shaw reference, which discloses that the STT capability levels are determined at the STT equipment themselves. Moreover, the applicants' invention is much more efficient and quicker than the teachings of the Shaw reference. In particular, in the applicants' invention a subscriber need only make a request to the service provider, the service provider then determines the STT capabilities and then provides the appropriate content message to the set top terminal. By contrast, to perform this function, the Shaw reference discloses that the STT first makes a request, a display engine is then downloaded back to the STT, the display engine

Serial No. 09/458,321
Page 6 of 9

then performs a test to determine the STT capabilities, the results are sent back to the web server, and then the content is sent down to the STT. Therefore, the Shaw reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

As such, the applicants submit that claim 10 is not anticipated and fully satisfies the requirements under 35 U.S.C. §102 and is patentable thereunder. Likewise, claim 17, as amended, recites similar limitations as recited in claim 10. As such, the applicants submit that claim 17 is not anticipated and fully satisfies the requirements under 35 U.S.C. §102 and is patentable thereunder.

Furthermore, claims 11-13, 15, 16, 18 and 20-29 respectively depend from independent claims 10 and 17 and recite additional limitations thereof. As such, and for at least the same reasons discussed above, the applicants submit that these dependent claims also fully satisfy the requirements under 35 U.S.C. §102 and are patentable thereunder. Therefore, the applicants respectfully request that the rejection be withdrawn.

Conclusion

Thus, the applicants submit that none of the claims presently in the application are anticipated 35 U.S.C. §102. Consequently, the applicants believe that all these claims are presently in condition for allowance. Accordingly, reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at (732) 530-9404 so appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

7/31/02

E J Wall
Eamon J. Wall, Attorney
Reg. No. 39,414
(732) 530-9404

Serial No. 09/458,321
Page 7 of 9

Moser, Patterson & Sheridan, LLP
Attorneys at Law
595 Shrewsbury Avenue, 1st Floor
Shrewsbury, New Jersey 07702

Serial No. 09/458,321
Page 8 of 9

APPENDIX I
Marked-up Version of Amended Claim

10. (four times amended) A method of adapting asset delivery within a heterogeneous video-on-demand distribution system having service provider equipment and at least one set top terminal, comprising the steps of:

determining at the service provider equipment, for each set top terminal (STT) requesting a session for video content in the video-on-demand distribution system, a capability level of said STT and a capability level of the distribution network;

selecting, from a plurality of available video content and navigational assets stored on service provider equipment, video content and navigational assets appropriate to said capability level of said STT; and

providing said selected video content and navigational assets in response to STT communications indicative of a need for said video content and assets, wherein said navigational assets comprise video information, graphics information, and control information.

15. (twice amended) The method of claim 1[4]0, wherein an initial navigation asset provided to a set top terminal comprises associated control information, said control information being indicative of related navigation assets within said asset data base having associated with them a capability level of said STT receiving said initial navigation asset.

17. (four times amended) In an interactive video-on-demand distribution system including video-on-demand provider equipment coupled to subscriber equipment via a communications network, a method for adapting provided information to a set top terminal comprising the steps of:

storing video-on-demand information at the provider equipment;

determining at the service provider equipment, during a video-on-demand session initiation, a capability level of said STT, said determination being made

Serial No. 09/458,321
Page 9 of 9

by comparing STT configuration information to a data base of STT capability information; and

providing, to said STT in response to an STT request for information, information comprising navigator assets adapted to said determined capability level of said STT;

each of said set top terminals having a common video information processing architecture, one of a plurality of control architectures, and one of a plurality of graphics processing architectures, wherein said navigator assets are optimized to each of the possible STT capability levels to provide a plurality of respective navigator assets, each of said respective navigator assets having associated with it a respective STT capability level.

21. (amended) The method of claim 1[9] wherein said navigation assets include video information, graphics information and control information, said navigation assets being provided by said information provider in response to requests from subscriber equipment.